

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

|                  |   |                              |
|------------------|---|------------------------------|
| ISHMAEL A. EVANS | § |                              |
| VS.              | § | CIVIL ACTION NO. 1:23-CV-128 |
| JOHN W. SIBANDZE | § |                              |

## ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Ishmael A. Evans, a prisoner previously confined at the Stiles Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against John W. Sibandze.

The Court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this Court. The magistrate judge recommends denying Plaintiff's motion for default judgment.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge, filed pursuant to such order, along with the record and the pleadings. Plaintiff filed objections to the Report and Recommendation.

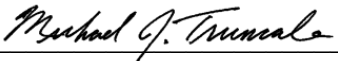
The Court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration of all the pleadings and the relevant case law, the Court concludes the objections are without merit.

ORDER

Accordingly, Plaintiff's objections [Dkt. 25] are OVERRULED. The findings of fact and the conclusions of law of the magistrate judge are correct, and the report and recommendation of the

magistrate judge [Dkt. 23] is ADOPTED. Plaintiff's motion for default judgment [Dkt. 19] is DENIED.

**SIGNED** this 31st day of January, 2025.

A handwritten signature in black ink, reading "Michael J. Truncale", is positioned above a horizontal line.

Michael J. Truncale  
United States District Judge